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09/753,576	01/04/2001	Tsuneo Sato	FJ-2000-037US	2010

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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 10/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/753,576

Applicant(s)

SATO, TSUNEO

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 9753576, filed on 1/4/2001.

### *Specification*

2. The disclosure is objected to because of the following informalities:
  - i. the acronyms FDI, ROM, IrDA, RAM, CCD, LCD, and USB are used without first specifying what terms they represent;
  - ii. on page 3, line 26, "Fig. 3" should be "Fig. 1";
  - iii. on page 11, line 26 and in fig. 8, the camera should be referenced as "1" not "50".
  - iv. The digital camera claimed in claims 1-8 is described in the specification as having a "memory (ROM) that is not rewritable" for storing the identification code (page 4, line 11) and photo information (page 8, lines 12-13). The specification further states the system includes, "a setting device for setting the specific information in a memory built in the camera (page 8, lines 17-18)." The specification gives an example of a setting device as a computer connected to the camera using a USB cable. The setting device must write to ROM each time to change the photo information each time someone rents the camera, but by definition ROM cannot be written to more than once. Therefore, the camera could not be used in the manner stated in the specification.

The ROM (22) will be considered programmable read only memory the rest of this action in order to review the claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Strandwitz et al., US 6,522,352.**

In regard to claim 1, Strandwitz et al., US 6,522,352, discloses a photo service system comprising:

“a digital camera (figure 4, element 100) which transmits image data of images captured by the digital camera and identification information for identifying with the digital camera (see figure 2, element 250 and column 4, line 65 to column 5, line 2);

[It is inherent that transport protocol requires sending a unique identification code in the header of the image data packets to check the reliability of the data.]

a base station (see figure 4, element 401; figure 1, element 20; col. 1, line 67 to col. 2, line 4; and col. 2, lines 39-44) which receives the image data and the identification information transmitted from the digital camera (see column 6, lines 48-50); and

a photo service center which prints the images according to the image data received by the base station and sorts the prints of the images according to the identification information received with the image data (see figure 4, elements 404 and 406 and column 6, lines 45-55)."

The photo service center consists of a computer to view the pictures and order them and a printer to print them.

In regard to claim 2, Strandwitz et al., US 6,522,352, discloses a photo service system with all the limitation of claim 1, "wherein the digital camera transmits the image data and the identification information to the base station by wireless (see column 1, lines 6-12 and column 4, line 65 to column 5, line 2)."

In regard to claim 4, Strandwitz et al., US 6,522,352, discloses a "digital camera exclusively used in the photo service system as defined in claim 1." It is inherent that the digital camera is exclusively used in the photo service system since it was made as part of that system.

In regard to claim 5, the claim describes an intended use for the system that cannot be claimed because it is inherent. Therefore, Strandwitz et al., US 6,522,352, discloses the camera of claim 4, wherein the digital camera can be rented to a user in the area.

In regard to claim 8, Strandwitz et al., US 6,522,352, discloses a digital camera used in the photo service system as defined in claim 1, “comprising a setting device which sets identification information for identifying the digital camera (see figure 2, element 250 and column 3, line 51 to col. 4, line 16).”

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandwitz et al., US 6,522,352 in view of Inuiya et al., US 5,625,411.**

In regard to claim 3, Strandwitz et al., US 6,522,352, has all the limitations of claim 1, but lacks a photo service center wherein,

“the photo service center prints information such as the shooting date, the shooting places and the names of users on frames of the prints of the images”

Inuiya et al., US 5,625,411, discloses a printer that takes in an information signal from the camera with information such as shooting date, picture title, and frame number. Inuiya et al., US 5,625,411, uses this signal to search for specific pictures and also in preparation of printing (see column 16, lines 35-45 and column 20, lines 24-27).

It would have been obvious to a person skilled in the art to modify the printer in the photo service center disclosed in Strandwitz et al., US 6,522,352, in view of Inuiya et

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al., US 5,625,411, so that the “the photo service center prints information such as the shooting date, the shooting places and the names of users on frames of the prints of the images” in order to search for a specific picture that was photographed.

**7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandwitz et al., US 6,522,352, in view of Yamaguchi et al., US 6,493,828.**

In regard to claim 6, Strandwitz et al., US 6,522,352, discloses all the limitations of claim 4. Strandwitz et al., US 6,522,352, lacks a camera comprising:

“a shutter release button; and

a displaying device which automatically turns on to start displaying a moving image when the user half presses the shutter release button.”

Yamaguchi et al., US 6,493,828, discloses a camera with a quick capture mode comprising:

“a shutter release button (figure 1, element 10 and column 3, line 36); and

a displaying device which automatically turns on to start displaying a moving image when the user half presses the shutter release button (see figure 8, step 1 and 7, column 6, lines 30-32 and column 7, 10-18).” Yamaguchi et al., US 6,493,828, teaches the quick capture mode is used so that a picture capture is not missed because of a long start up process (see column 1, lines 55-63).

It would have been obvious to a person skilled in the art at the time of invention to modify Strandwitz et al., US 6,522,352, in view of Yamaguchi et al., US 6,493,828, to have a “a shutter release button; and a displaying device which automatically turns on to

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start displaying a moving image when the user half presses the shutter release button” in order to not miss picture-taking opportunities.

In regard to claim 7, Strandwitz et al., US 6,522,352, in view of Yamaguchi et al., US 6,493,828, discloses all the limitations of claim 6. Yamaguchi et al., US 6,493,828, discloses a camera, “wherein the displaying device automatically turns off when the user releases the shutter release button after half pressing the shutter release button.”

It is implied the displaying device will turn off and return to suspend mode (see column 1, lines 65-66 to column 2, lines 1-3) after a predetermined time when the shutter button is released.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art discloses a camera system with wireless cameras and a base station:

Beller et al., US 6,046,712,

Camras, US 4,097,893,

Lang, US 5,508,737,

Acosta, US 6,166,729,

Safai et al., US 6,167,469.

The following prior art discloses a wireless photograph printing system:

Shiota et al, US 6,324,521.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Christensen can be reached on 703-305-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

gvs

  
VU LE  
PRIMARY EXAMINER